UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CA, INC., D/B/A CA TECHNOLOGIES,

               Plaintiff,

v.

NEW RELIC, INC.,

               Defendant.

Case No. 12-cv-05468-JS-WDW

JOINT STIPULATION REGARDING NON-ASSERTION AGAINST PHP, RUBY, AND PYTHON AGENT INSTRUMENTALITIES

Whereas, this Joint Stipulation Regarding Non-Assertion against PHP, Ruby, and Python Agent Instrumentalities ("Stipulation") between Plaintiff CA, Inc., d/b/a CA Technologies ("CA"), and Defendant New Relic, Inc. ("New Relic") is entered in order to reduce both the number of instrumentalities accused of infringement and the number of claim terms requiring construction by the Court.

Now, therefore, CA and New Relic, through their undersigned counsel, hereby agree and stipulate to the following:

In its Disclosure of Asserted Claims and Infringement Contentions, dated March 19, 2013, CA asserted infringement against an Accused Instrumentality defined to include "the New Relic agents for Python, Ruby, . . . and PHP application environments."

CA has taken discovery concerning those agents and now agrees and stipulates that it will not pursue its infringement claim against the New Relic PHP, Ruby, or Python agent instrumentalities.

In light of CA's agreement and stipulation concerning the New Relic PHP, Ruby, and Python agent instrumentalities, CA and New Relic agree and stipulate that the claim terms

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"object code," "byte code," "exception table," and "exceptions data store" do not require construction by the Court, as construction of those terms was necessary only in the event that these agent instrumentalities were accused of infringement.

SO STIPULATED.

Dated: November 22, 2013   Respectfully submitted,

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